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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 FALCON PATH L.L.C.,

12 Plaintiff,

13 v.

14 UNIMEX CORPORATION d/b/a/
MAELSTROM FOOTWEAR,

15 Defendant.
16

CASE NO. 3:17-cv-05595-RJB

ORDER ON STIPULATED
MOTION TO ADJUST CASE
SCHEDULE

17 THIS MATTER comes before the Court on the Stipulated Motion to Adjust Case
18 Schedule. Dkt. 21.

19 Plaintiff initiated this matter in Thurston County Superior Court on April 10, 2017. Dkt.
20 1-1. The case was removed by Defendant on August 1, 2017. Dkt 1. The parties stipulated to
21 extending the deadline for Defendant to respond to the Complaint. Dkts. 9, 10. The Court
22 extended the initial Joint Status Report deadline of November 1, 2017 twice, ultimately to
23 December 12, 2017. Dkts. 15, 16. By minute order, the case was initially set for trial for
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1 November 26, 2018. Dkt. 17. On July 11, 2018, the parties stipulated to continuing trial to March
2 26, 2019. Dkt. 20. Extensions have thus far been justified of substitutions in counsel, various
3 legitimate personal matters, such as military deployment and death of family members, and the
4 parties' attempts to settle the case through mediation. It does not appear that the parties timely
5 commenced discovery.

6 The parties propose continuing the discovery deadline until April 15, 2019, with trial
7 reset to October 15, 2019. Dkt. 21 at 2. The parties represent that they plan to complete a second
8 mediation before February 15, 2019. According to the parties, a continuance is justified because
9 of personal challenges of counsel, the fact that Plaintiff Falcon Path's manager is currently
10 deployed in Iraq, and substitutions of counsel. *Id.* at 1.

11 While counsel have displayed professionalism in extending courtesies, the parties need to
12 make efforts to commence discovery and move this case towards resolution, by trial or
13 otherwise. The proposed schedule extends trial several months further than necessary. No
14 substitutions of counsel have occurred since November of 2017. Dkts. 13, 14. While it may be
15 ideal to hold mediation before commencing discovery, this is the parties' second attempt at
16 mediation, and discovery should no longer be delayed. Although a manager of Plaintiff Falcon
17 Path may be deployed, written discovery can still be exchanged.

18 The Court will agree to continue the discovery deadline to April 15, 2019, but trial should
19 be reset to approximately one-hundred twenty (120) days thereafter, the customary timeline for
20 cases in this Court. The Court is amenable to a discovery motions deadline that coincides with
21 the general discovery deadline. An amended Schedule Order should be issued.

22 In short, this case is getting stale. Counsel should be forewarned that deadlines will not
23 be continued again, absent a substantiated good cause showing.

1 * * *

2 THEREFORE, the Stipulated Motion to Adjust Case Schedule (Dkt. 21) is GRANTED
3 IN PART and DENIED IN PART.

4 The Clerk is directed to issue a Scheduling Order using April 15, 2019 as the deadline for
5 discovery motions and discovery, with a trial date approximately one-hundred twenty (120) days
6 later.

7 IT IS SO ORDERED.

8 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
9 to any party appearing *pro se* at said party's last known address.

10 Dated this 21st day of November, 2018.

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13 ROBERT J. BRYAN
14 United States District Judge
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